REMARKS / DISCUSSION OF ISSUES

Claims 1-19 are pending in the application. The presently filed amendment is in response to the non-final office action mailed after the previously filed Appeal Brief.

Rejections under 35 U.S.C. § 101

The rejection of claims 1-11 has been considered. While Applicants in no way concede the propriety of the rejection, in the interest of advancing prosecution, claim 1 has been amended to overcome the rejection. Notably, claim 1 recites:

A method of capturing an image using an ultrasound system, comprising:

directing ultrasound waves from the ultrasound system to a body;

surveying the image to collect motion data;

analyzing the motion data to identify a flow in the image, the analyzing comprising segmenting the image into a flow region and a non-flow region; and

scanning a limited region of the image containing the flow with a flow imaging technique.

Clearly, the directing of ultrasound waves from the ultrasound system to a body clearly ties the method to the ultrasound system set forth in claim 1. Accordingly, the rejection of claim 1 under this section of the Code is moot in view of the present amendment. Moreover, the rejections of claims 2-11, which depend immediately or ultimately from claim 1, are also moot for at least the same reasons.

Rejections under 35 U.S.C. § 102

Claims 1-3, 5-7 and 12-16 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by *Hatfield, et al.* (U.S. Patent 5,840,032). For at least the reasons set forth below, Applicants respectfully submit that all claims are patentable over the applied art.

At the outset Applicants rely at least on the following standards with regard to proper rejections under 35 U.S.C. § 102. Notably, a proper rejection of a claim under 35 U.S.C. § 102 requires that a single prior art reference disclose each element of the claim.[1] Anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference.[2] Alternatively, anticipation requires that each and every element of the claimed invention be embodied in a single prior art device or practice.[3] For anticipation, there must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention.[4]

i. Claims 1 and 12

Claim 1 recites:

A method of capturing an image using an ultrasound system, comprising:

directing ultrasound waves from the ultrasound system to a body;

surveying the image to collect motion data;

analyzing the motion data to identify a flow in the image, ***the analyzing comprising segmenting the image into a flow region and a non-flow region****; and*

scanning a limited region of the image containing the flow with a flow imaging technique.

Claim 12, which is directed to an ultrasound system features, inter alia:

"*...a segmentation system for mapping a region of flow within the image based on the motion data, the segmentation system configured to* ***segment the image into a flow region and a non-flow region****...*"

---

[1] *See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983).
[2] *See, e.g., In re Paulsen,* 30 F.3d 1475, 31 USPQ2d 1671 (Fed. Cir. 1994); *In re Spada*, 911 F.2d 705, 15 USPQ2d 1655 (Fed. Cir. 1990).
[3] *See, e.g., Minnesota Min. & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc.,* 976 F.2d 1559, 24 USPQ2d 1321 (Fed. Cir. 1992).
[4] *See, e.g., Scripps Clinic & Res. Found. v. Genentech, Inc.,* 927 F.2d 1565, 18 USPQ2d 1001 (Fed. Cir. 1991).

The Office Action directs Applicants to column 4, lines 26-30 of *Hatfield, et al.* for the alleged disclosure of a segmentation system. Applicants respectfully submit that there is no disclosure of a segmentation system configured to ***segment the image into a flow region and a non-flow region*** or of ***segmenting the image into a flow region and a non-flow region*** as particularly recited in claims 12 and 1, respectively. Rather, the portion of *Hatfield, et al.* relied upon for the segmentation system is a broadly described apparatus for three dimensional imaging where an object is scanned using a multiplicity of parallel slices having a substantially uniform thickness. There is no description of segmenting the image as specifically recited in claim 1; and no disclosure of a segmentation system as specifically recited in claim 12. Therefore, and for at least the reasons set forth above, Applicants respectfully submit that the applied art fails to disclose at least one feature of each of claims 1 and 12.

Because *Hatfield, et al.* fails to disclose at least one feature of each of claims 1 and 12, Applicants respectfully submit that a prima facie case of anticipation cannot be established based thereon. Therefore, claims 1 and 12 are patentable over the *Hatfield, et al.* Moreover, claims 2-11 and 13-19, which depend immediately or ultimately from claims 1 and 12, respectively, are patentable for at least the same reasons and in view of their additionally recited subject matter.

Rejections under 35 U.S.C. § 103

The rejection of claims 4, 6,9,10,11,17,18 and 19 under this section of the Code has been considered. While Applicants in no way concede the propriety of this rejection, claims 4,6,9,10,11,17,18 and 19 depend immediately or ultimately from claims 1 and 12 and are patentable for at least the same reasons set forth above, and in view of their additionally recited subject matter.

Conclusion

In view the foregoing, applicant(s) respectfully request(s) that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance.

If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted on behalf of:
Phillips Electronics North America Corp.

/William S. Francos/

by: William S. Francos (Reg. No. 38,456)
Date: January 26, 2010

Volentine & Whitt, PLLC
Two Meridian Blvd.
Wyomissing, PA 19610
(610) 375-3513 (v)
(610) 375-3277 (f)